

April 21, 2016

Bruce D. Collins
Corporate Vice President
and General Counsel

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Comments of the C-SPAN Networks; *Expanding Consumers' Video Navigation Choices*, MB Docket No. 16-42

Dear Ms. Dortch:

C-SPAN¹ is a non-profit company with a public service mission. As such, we do not often have the same business concerns of most national programming services. However, we share the concern of many other programmers who have already commented in this proceeding (and in related proceedings) that the Commission's proposal to "unlock the [set-top] box" opens the door to unknown third parties to make inappropriate uses of our content.

C-SPAN has particular concern that the proposed rule could undermine two of our fundamental operating characteristics: non-partisanship and non-commerciality. The proposed rule, as currently described by the Commission, would do nothing to prevent unknown third party distributors from inserting paid advertisements, including political ads, in and around our programs. The ironies of this possibility are disturbing in multiple ways. The cable television industry created C-SPAN thirty-seven years ago as a public service that would be non-partisan and non-commercial. Yet, that founding purpose could be seriously compromised when outsiders are given the right to inappropriately associate our programs with either commercial products or political candidates and causes. It would be the antithesis of our mission, for example, for a viewer to see that C-SPAN's coverage of an FDA hearing is "sponsored" by a drug company. Or that our coverage of a candidate appearance is "sponsored" by that candidate's PAC.

Also, C-SPAN is recognized as an organization exempt from tax because it produces programming in support of a tax-exempt, educational purpose. But under the proposed rule, our public service programming could easily be exploited on a regular

¹ The C-SPAN Networks (C-SPAN, C-SPAN2 and C-SPAN3) are owned and operated by National Cable Satellite Corporation, d/b/a C-SPAN, a non-profit District of Columbia corporation that is exempt from federal income tax pursuant to IRC 501(c)(3).


basis to provide commercial and political benefits to third parties. This is an anomalous, and therefore likely unlawful, outcome under any circumstances, but it is particularly so when it is the result of a government regulation.

C-SPAN also shares the concern of other programmers that when third parties are allowed to repackage our content we could lose control over how it is presented to our audience. We are particularly concerned, for example, about having no say in our channel positions and programming neighborhoods – matters that are properly addressed by negotiation in our distribution contracts. Those important aspects of our distribution should not be put at risk by government fiat.

We urge the Commission to proceed carefully with this proceeding and to give full consideration to how its proposed rule could affect C-SPAN's ability to remain as the non-partisan and non-commercial source of public affairs information that it has been since its founding.

Cordially,

NATIONAL CABLE SATELLITE CORPORATION

By: 

Bruce D. Collins
Corporate Vice President & General Counsel